

REMARKS

Applicants have received the Office Action mailed April 2, 2008.

Applicants appreciate the courtesies extended by Examiner Pannala during the telephone interviews of April 16 and 17, and May 23, 2008. Applicants further appreciate the Examiner's indication that a new office will be provided in lieu of the office action mailed April 2, 2008, and that accordingly, no response is due from Applicants at this time.

During the telephone interview of April 16, Applicants and the Examiner discussed various points that Applicants have raised during prosecution to-date that have not been addressed by the Examiner. In particular, Applicants drew the Examiner's attention to pages 11-14 of the response dated December 20, 2007. The Examiner recognized that the arguments on the aforementioned pages have not been fully addressed, but on April 16 there was some initial misunderstanding between Applicants and the Examiner regarding what appropriate next steps the Examiner would take. Following Applicants' call to Supervisory Examiner Rones, Applicants and Examiner Pannala again spoke on April 17, 2008, during which time Examiner Pannala committed to providing a new office action and seeking to reset the response period. Examiner Pannala further committed by telephone on April 17 to preparing a new office action within 15 days (by May 1, 2008). After Applicants did not receive a new office action within this timeframe, Applicants and Examiner Pannala again spoke by telephone on May 23, 2008. In particular, Applicants queried whether a new office action could still be expected prior to the approaching two-month date. Examiner Pannala again committed to providing a new office action, and indicated that such office action would be mailed by May 24, 2008.

Applicants submit this response on the two-month date to confirm in writing the understanding that a new office action will be provided and that, as a result, no further response is required at this time. In view of various unaddressed and previously submitted arguments, Applicants persist in the arguments and amendments presented in the response dated December 20, 2007, which is herein incorporated by reference; and Applicants further understand that, in view of the above-mentioned telephone interviews, this present submission is responsive to the final Office Action mailed April 2, 2008.

Applicant : Cheng et al.
Serial No. : 10/632,563
Filed : July 31, 2003
Page : 3 of 3

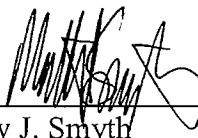
Attorney's Docket No.: 13914-031001 / 2003P00497 US

Applicants note that as of June 2, 2008, 16:46 Central Time, it appears from PAIR (Transaction History Tab) that a letter or new action is working its way through the USPTO. However, since Applicants have not yet received this letter or action, this submission is being made on the two-month date to preserve all after-final procedural rights, in the event that a different course of action than the one outlined above is ultimately adopted by the Examiner or the USPTO.

No fees are believed to be due with this submission. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: JUNE 2, 2008



Matthew J. Smyth
Reg. No. 58,224

Fish & Richardson P.C.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696